



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

ADDRESS REPLY TO
OFFICE OF THE ATTORNEY GENERAL
MINNESOTA POLLUTION CONTROL AGENCY
1935 W COUNTY ROAD B2
ROSEVILLE, MINNESOTA 55113
(612) 296-7342

September 26, 1980

Bob Leininger
Enforcement
EPA - Region V
230 S. Dearborn St.
Chicago, IL 60604

Re: Reilly Tar Litigation - Deposition of J. Frank Williams

Dear Bob:

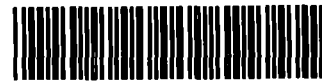
Enclosed is a copy of the deposition of J. Frank Williams taken on August 27, 1980. We hope to conclude the Deposition within the next few weeks.

Very truly yours,

Stephen Shakman
Special Assistant
Attorney General

SS/jh
Enclosure

US EPA RECORDS CENTER REGION 5



512901

004808



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

Plaintiffs,

Court File No.
670767

Intervenor-Plaintiff.

REILLY TAR & CHEMICAL CORPORATION.

Defendant.

DEPOSITION OF J. FRANK WILLIAMS, taken by
the Defendant, before William L. Belkangren, a Notary
Public in and for the County of Scott, State of
Minnesota, at 2500 First National Bank Building,
Minneapolis, Minnesota, on Wednesday, August 27,
1980, commencing at 2:30 o'clock p.m., pursuant to
Notice.

35-309

1 (2)

2 A P P E A R A N C E S

3
4 Stephen Shakman and Dennis Coyne
5 Special Assistant Attorneys General
6 1735 West County Road B 2
7 Roseville, Minnesota 55113

8 Attorneys appearing on behalf of the Plaintiff

9 Michael Freeman
10 Popham, Haik, Schnobrich, Kaufman & Doty
11 4344 IDS Center
12 Minneapolis, Minnesota 55402

13 Attorneys appearing on behalf of Intervenor-Plaintiff

14 Edward J. Schwartzbauer
15 Dorsey, Windhorst, Hannaford, Whitney & Halladay
16 2300 First National Bank Building
17 Minneapolis, Minnesota 55402

18 and

19 Thomas E. Reiersgord
20 Yngve & Reiersgord
21 6250 Wayzata Boulevard
22 Minneapolis, Minnesota 55416

23 Attorneys appearing on behalf of Defendant

24 Also present:

25 William G. Miller
Special Assistant Attorney General assigned to Minnesota
Department of Health

Steven A. Reed
Minnesota Pollution Control Agency

Marc F. Hult
U. S. Geological Survey

004810

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

{2-A}

{APPEARANCES CONT.}

Bill Scruton
Minnesota Department of Health

004811

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

{3}

S U M M A R Y I N D E X

Examination:

By Mr. Schwartzbauer 5

Cross-Examination:

By Mr. Shakman 22

EXHIBITS:

RTC No. 1	Map of plant layout	10
RTC No. 2	Letter dated 11-4-40	19
RTC No. 3	Aerial photo of plant	29
RTC No. 4	Photo of plant site	70

cc: 12

SYNDICATED REPORTERS

612 SYNDICATE BUILDING
MINNEAPOLIS, MINNESOTA 55402

(612) 333-6549

1 {4}

2 2:30 o'clock p.m.
3 Wednesday
4 August 27, 1980

5 WHEREUPON,

6 MR. SCHWARTZBAUER: Let's go on
7 the record and start the video now.

8 Before we begin, I would like to say
9 for the record that this deposition is being
10 taken pursuant to notice. We have entered into
11 an oral stipulation that in addition to the
12 ordinary transcript being prepared by the court
13 reporter, we are going to take this deposition
14 on audio-visual tape as well just as though a
15 Motion were made pursuant to Rule 15 of the
16 District Court Rules for the District of the
17 Fourth Division, Hennepin County, is that
18 correct?

19 MR. SHAKMAN: Yes.

20 MR. SCHWARTZBAUER: And I guess
21 that for starters, then, I think we all ought
22 to enter our appearances.

23 I'm Edward Schwartzbauer and this
24 is Thomas Reiersgord next to me, and together
25 we represent Reilly Tar and Chemical. And shall
we go around the table and let the other lawyers

1 {5}

2 introduce themselves

3 MR. SHAKMAN: I'm Steven
4 Shakman. I'm a Special Assistant Attorney General.
5 I am one of the attorneys representing the
6 Plaintiffs, State of Minnesota.

7 MR. COYNE: I'm Dennis
8 Coyne, Special Assistant Attorney General and I
9 also represent the State of Minnesota, Pollution
10 Control Agency.

11 MR. FREEMAN: I'm Michael
12 Freeman, I'm with the firm of Popham, Haik,
13 representing the City of St. Louis Park.

14 MR. SCHWARTZBAUER: Okay.
15 Thanks. Would you swear the witness?

16 J. FRANK WILLIAMS,
17 a witness called by and on behalf of the Defendant,
18 having been first duly sworn, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SCHWARTZBAUER:

22 Q Mr. Williams, I want to emphasize what the court
23 reporter just said a few minutes ago, and that
24 is that we would certainly like you to speak up
25 and loudly, if you can.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

{b}

A If I can. I'm kind of hoarse now, and it may be it won't be so easy.

Q I understand that. But we would just like to ask you to try to speak loudly enough so that the man down at the end of the table can hear you.

A Yeah. Well, if I don't, why you --

MR. MILLER:

I will nod

my head.

Q {By Mr. Schwartzbauer} Another thing I would like to emphasize, Mr. Williams, and that is that if I don't make myself perfectly clear when I ask a question, I want you to tell me that. Or if any of the other lawyers don't make themselves perfectly clear when they ask a question, will you please tell us that, okay?

A Yeah.

Q All we want from you are the facts as you remember them, and sometime we lawyers have a way of asking very complicated questions. We don't mean to do it, so that if you don't understand the question, why you please tell us that, would you?

A Yeah. I will try.

Q If you tell me that, I will try to say it in another way, okay?

004815

SYNDICATED REPORTERS

612 SYNDICATE BUILDING

MINNEAPOLIS, MINNESOTA 55402

(612) 333-6549

1 {73
2 A All right.
3 Q Would you state your full name?
4 A John Frank Williams.
5 Q Where do you live?
6 A 3355 Brownlow Avenue, St. Louis Park.
7 Q How long have you lived at that address?
8 A Well, I built there and we were married in the
9 house in 19 -- yeah, 1923.
10 Q Are you presently employed or are you retired?
11 A I been retired since '66.
12 Q Who did you work for just before you retired?
13 A Reilly Tar and Chemical Company.
14 Q How old are you, Mr. Williams?
15 A 79.
16 Q Where were you born?
17 A I was born in Indianapolis, Indiana.
18 Q And what was your education?
19 A I went through the Eighth Grade.
20 Q When were you first employed by Reilly Tar and
21 Chemical Company?
22 A Well, that was in June, 1916.
23 Q Where was that?
24 A On Miley Avenue in Indianapolis.
25 Q What did you do there?

004816

1 {8}
2 A I started in kind of the laboratory, like I done
3 everything as a young boy of 15 would. I wasn't
4 very big, either, so I done odd jobs. And then
5 of course there wasn't much laboratory work then,
6 back in them days, but I did some.
7 Q When did you first come to the Reilly Tar plant
8 which was also called the Republic Creosote
9 Plant in St. Louis Park?
10 A I come up in June the 7th, 1918.
11 Q And did you work at the Republic Creosote Plant
12 continuously from 1918 until 1966?
13 A I did.
14 Q What did you do in St. Louis Park?
15 A Well, about the same as I was doing in
16 Indianapolis. Plant was just starting operating
17 in March and I come up in June, and I done
18 laboratory work, and I was a routine chemist
19 for them.
20 Q Did you learn your chemical work as a matter
21 of on-the-job training, so to speak?
22 A On-the-job training with a professor T. W.
23 Smith of Indianapolis.
24 Q How long did you do that kind of work? Was that
25 until you retired?

004317

1 (7)

2 A Yeah. Right.

3 Q In other words, you worked in the lab all those

4 years?

5 A Well, yes.

6 Q Where is your house located in relationship to

7 the site where Republic Creosote was located?

8 A Well, it's pretty hard to say. It's a little

9 to the southeast of the plant, and it's practically

10 -- maybe about four or five blocks from the

11 plant, if you count blocks, or squares, or

12 whatever you want to call them.

13 Q Over the years, how did you get back and forth

14 from your home to work?

15 A Walked. Of course that's why I built, because it

16 was closer to the plant.

17 Q Did you eat at lunch, or did you go home for

18 lunch?

19 A Well, most of the time they did have a lunch place

20 down there. You would each eat lunch, but

21 generally it was close enough to go home for lunch.

22 I had an hour.

23 Q So over the years, then, you walked to work in

24 the morning, walked home for lunch, walked back

25 to work after lunch, then home at night?

1 {10}

2 A That's right.

3 Q You made four trips a day?

4 A Well, yes.

5 Q During those years, was there a fence around the
6 property?

7 A There was a fence around, yes.

8 MR. SHAKMAN: Could I have
9 a clarification of what years the question is
10 directed to?

11 Q {By Mr. Schwartzbauer} During the years that
12 you worked at the plant.

13 A Yeah. Well, after the plant was built and started
14 operating it was in 1918.

15 Q And how did you enter the plant site? Where did
16 you enter, I mean?

17 A Well, they had a gate out in front on the street
18 where you come in.

19 MR. SCHWARTZBAUER: I'm going to
20 ask the reporter to mark this document. Why
21 don't you pause while he's doing it.

22 {RTC Deposition Exhibit 1
23 marked for identification.}

24 Q {By Mr. Schwartzbauer} Okay. Back on the record.

25 Mr. Belkengren, the reporter, has now marked

1 {11}
2 a map as RTC Deposition Exhibit Number 1, and I
3 would like to say for the record that the various
4 colorings and markings have been made by another
5 witness, and in due course his identity will be
6 made known, and we believe we will lay a proper
7 foundation for this document prior to the time
8 that it's ever used. I'm going to give it to the
9 witness, however, at this time, and ask whether
10 that is a fair representation of the plant layout
11 as you remember it.
12 A It is. Right.
13 Q Okay. And we spoke a few minutes ago about a gate
14 where you entered the plant site. Will you point
15 to that?
16 A That's right here, as you come in off of the road.
17 {indicating.}
18 Q And that's down at the southeastern-most edge of
19 the -- corner of the property?
20 A I would say, yes.
21 Q Is that on Walker Street?
22 A That's on Walker, yes.
23 Q Okay. Let's just look at some of the buildings
24 that are shown here. Do you see the refinery?
25 A Yes.

1 {12}
2 Q Is that the long building that is marked Refinery?
3 A Right.
4 Q And was there a pond located on the property during
5 the years that you worked there?
6 A Yes. That's it.
7 Q Do you see that on the map?
8 A Right.
9 Q Is that located in the place that you remember it?
10 A Yes {indicating}.
11 Q And where is the laboratory where you worked?
12 A Well, the laboratory, the road come in off of
13 Walker right straight down past 7 here, right
14 down to the end here {indicating}, and there was
15 a parking lot in there.
16 Q And now the witness is pointing to a square that's
17 marked Office, is that correct? Is that what you
18 pointed to?
19 A Right.
20 Q Was the office and the lab actually one and the
21 same building?
22 A Well, yes. But the main office was in Minneapolis.
23 Before they moved out there. This used to be all
24 laboratory, but then as time changed, why it was
25 made into an office too.

004821

1 {13}

2 Q All right. But for the purposes of just locating

3 the lab, the lab where you worked, as I understand

4 your testimony, was right there in the building

5 that is marked Office, is that correct?

6 A Right. Right.

7 Q Okay. A few minutes ago when you were answering,

8 you said the road that you walked down went right

9 by 7. What were you referring to when you

10 referred to 7?

11 A That was a tank there.

12 Q You mean the little round tank that has a numeral

13 Tank by it?

14 A Yes. The road passed right by.

15 Q Let's get back to that road again that you walked

16 upon.

17 Tell us again, to make sure that I understand,

18 where did the road run beginning with the gate

19 from where you entered onto the lab where you

20 worked?

21 A Went right straight down past 7 and then right

22 into the office. Right straight.

23 Q Are you pointing to an area between the tanks that

24 are colored in pink and the refinery?

25 A Right.

004822

1 {143}

2 Q Is that what you're pointing to?

3 A That's the road that come in there.

4 Q Is that where you walked on a --

5 A Yeah.

6 Q -- four times a day basis?

7 A Yeah. Right.

8 Q Based on your observations over the years, Mr.

9 Williams, can you describe what the surface of

10 the ground looked like?

11 A Well, the road was, I imagine, on gravel and

12 then -- but the area in there was awfully boggy.

13 Even on the other side of Walker, from outside

14 of the plant, back in our end there. But all

15 that area back there was not like it is at the

16 last.

17 Q What do you mean by that?

18 A Well, they enlarged -- when they put the treating

19 plant in, they put a tie yard in there, to store

20 ties, and then they graded that down. It was all

21 hills back of the laboratory. Then of course the

22 treating plant was built then.

23 Q When did they put the tie yard in? Do you remember

24 that?

25 A Well, that was sometime between '20 and '30s.

1 (15)
2 Q Is that according to your recollection when they
3 did the grading?
4 A Yeah. Right.
5 Q You mentioned a few minutes ago that the area was
6 boggy. How do you know that?
7 A Well, you see the bog on the other side of the
8 laboratory at one time during the year, winter
9 months, and --.
10 Q Did you have an opportunity to see any of the
11 subsurface soils when Highway 7 was constructed?
12 A No. I didn't.
13 Q Were you working at the plant when Highway 7 was
14 constructed?
15 A Yes. Of course that was kind of a swamp and a
16 bog out there on the other side of Walker.
17 Q Well, were you able to see, you know, the dirt that
18 was turned up by the excavators when the highway
19 was built?
20 A No. Of course that's a little farther over,
21 but -- so I didn't.
22 Q Well, what was your general observation as to what
23 kind of ground the --.
24 A Well, I imagine peat.
25 Q Now as far as the site itself is concerned right

1 {1b}

2 around the refinery and the tanks that you pointed
3 to on the map, where you walked every day, can you
4 describe it in terms of whether it was dirty or
5 clean, or how would you describe it?

6 A Well, I would describe it as clean. Wasn't dirty,
7 I didn't notice.

8 Q Well, when you walked back and forth, for example,
9 would your shoes be full of oil when you got
10 home at night?

11 A Oh, no.

12 Q That wasn't ever a problem for you or Mrs. Williams?

13 A No.

14 MRS. WILLIAMS:

Oh, no.

15 Never.

16 Q {By Mr. Schwartzbauer} Incidentally, that is Mrs.
17 Williams sitting next to you there. We didn't
18 identify her when we got started.

19 MRS. WILLIAMS:

I'm just here

20 for moral support.

21 THE WITNESS:

Yeah.

22 Q {By Mr. Schwartzbauer} Or would oil, coal tar
23 oil or creosote oil on your shoes ever be a
24 problem when you got to work in the morning, or
25 when you got home at night?

004825

1 {17}
2 A No. Never.
3 Q Do you remember the deep well that was used by
4 Republic Creosote in its operations?
5 A I do. It was --.
6 Q Do you see that on the map?
7 A Right there on this end of the refinery.
8 Q And do you see it on the map -- would you point to
9 it?
10 A Right there {indicating}.
11 Q That's the black circle that is identified and
12 marked as Deep Well?
13 A Right. That's the only one I knew of.
14 Q Okay. You walked right by that every day, didn't
15 you?
16 A Well, within 100 feet of it.
17 Q Will you describe what the well looked like?
18 A I couldn't describe what it looked like. It was
19 just -- you could see a big pipe run into a tank,
20 cast iron tank, quite large, and you could see the
21 water coming out. That's the only thing I can
22 say about it.
23 Q A statement has been made in this case that this
24 well became contaminated as a result of a spill
25 into the well, possibly from a railroad tank car.

004826

1 {18}
2 in the 1920s.
3 Based on your observations and your
4 recollections, did that happen?
5 A Not that I know of.
6 Q Did any of your fellow employees talk about any
7 such spill?
8 A I can't remember that they ever did.
9 Q If there had been such a spill, would that likely
10 have been a subject of conversation?
11 A Well, I imagine it would. You can't cover up
12 ten thousand gallons of tar very easy.
13 Q Based on the well as you have described it, if a
14 tank car had spilled, would it have been possible
15 to drain into the inside of that well?
16 A I don't see how it could.
17 Q Why not?
18 A Well, it just would seem impossible to me.
19 Q For what reason?
20 A Well, how could it get in there? The water coming
21 out all the time. It couldn't reverse itself.
22 Q Was it an enclosed well? Was it enclosed in
23 steel? Was it a steel pipe?
24 A Well, I suppose it was. I don't know nothing
25 about the well. The way it looked or anything like

004827

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

{19}

that. All I knew is there's a well there, and that's all. I knew it was a deep well, yes.

Q During the years that you worked at the plant, was it customary or not customary for the employees to get their drinking water from that deep well?

A That water was never used for drinking water.

Q Did the water from that well have any peculiar smell or taste?

A Well, I would say to describe it, you could smell it, when the water was running out, that it was -- smelled like boggie gas, or boggie -- I imagine taste, you might say, or smell.

Q For how long a time did it have that smell or taste?

A As far as I can remember back.

MR. SCHWARTZBAUER: I'm going to ask the reporter to mark another document as RTC Deposition Exhibit Number 2.

{RTC Deposition Exhibit 2
marked for identification.}

Q {By Mr. Schwartzbauer} Okay, back on the record.

I am handing the witness a copy of the document now that the court reporter just marked as RTC

1 {20}

2 Deposition Exhibit 2, and that appears to be a
3 letter dated November 4, 1940.

4 Mr. Williams, the letter is addressed to
5 W. J. McLellan. Who was he?

6 A Well, he was a superintendent at the office
7 -- he was head of the office, in other words.

8 Q Head of the St. Louis Park office?

9 A St. Louis Park office.

10 Q And it appears to be signed by C. B. Edwards.
11 Do you know who he was?

12 A Well, I knew of him, yes.

13 Q Do you know generally who he was?

14 A Well, he was from Indianapolis. One of the main
15 guys down there, I would say.

16 Q Okay. In the second paragraph there is a sentence
17 that reads "You have a very important piece of
18 evidence in the statement of Ole Peterson that
19 some of the wells in the vicinity had the same
20 odor and taste before we purchased the property."

21 Did you know Ole Peterson?

22 A I knew of him, yes. That he worked down there,
23 at the company.

24 Q I was just going to ask you who he was. What did
25 he do?

004829

C

1 {21}

2 A Well, he was a maintenance man after the treating

3 plant, or the -- yeah, the treating plant got

4 organized down there, and he had charge of

5 maintenance of the tracks they had. Small

6 locomotive that hauled the ties and trams around.

7 Q Do you know whether he's living or dead?

8 A He passed away, yes.

9 Q How old a man was he compared to you?

10 A Compared to me, I would say he's around 65 to

11 70.

12 Q At what time?

13 A That was when I was -- I would say about 40 or

14 45.

15 Q So he was at least --.

16 A Twenty years older than I am.

17 Q Twenty-five --. Okay. Was he a reliable person,

18 as far as you know?

19 A I would say that he was. Yes. He was down there

20 for quite awhile.

21 MR. SCHWARTZBAUER: I'm going

22 to say for the record and to give notice to all

23 counsel in this matter, that at an appropriate

24 time I'm going to offer this letter in evidence.

25 That's all I have. You may examine.

1 (22)

2 MR. SHAKMAN: Take a short
3 recess here.

4 MR. SCHWARTZBAUER: Sure.

5 {Brief recess taken.}

6 CROSS EXAMINATION

7 BY MR. SHAKMAN:

8 Q Mr. Williams, as you heard in the introduction,
9 I am one of the attorneys representing the State
10 and I would like to say that if you do not
11 understand my question, or if you need further
12 clarification, please say so. And if, in giving
13 an answer, you should later recall something
14 further, please let me know that so that you can
15 get your full answer into the record today.

16 I would like to ask you, in preparing for
17 this deposition today, did you have occasion to
18 look over any documents? For example, anything
19 in writing?

20 A Today?

21 Q At any time in preparing for this?

22 A No. I didn't.

23 Q You hadn't seen this map before?

24 A Oh, yes. When Mr. Schwartzbauer was out here early
25 part of August, I did.

00-831

1 {23}

2 Q And did you go over other papers with Mr.

3 Schwartzbauer?

4 A A few, yes.

5 Q Do you recall what they were?

6 A Well, about the same as what he had here. I

7 read that one about Ole Peterson.

8 Q Did you go over any photographs, what the site

9 had been like?

10 A No.

11 Q At your home do you have any photographs of what

12 the site was like years ago?

13 A No. A few pictures of the plant taken, yeah. I

14 think there's some, maybe.

15 Q When would those be from? Would you guess? What year?

16 A Oh, down through the years. I imagine from '30

17 on.

18 Q Apart from Mr. Schwartzbauer, did you talk with

19 any other people prior to --.

20 A Pardon?

21 Q Apart from Mr. Schwartzbauer, did you talk to any

22 other people about this deposition?

23 A No.

24 Q Do you, from time to time, see other people who

25 were former employees of the Reilly Tar Company?

1 {24}

2 A No.

3 Q When you first went to work for the company, was

4 that in Indianapolis, was that your testimony?

5 A Right.

6 Q And what was your job with them at first?

7 A Like I said, just a young kid out of school,

8 grade school, and run errands and done little

9 laboratory work back in those days when it was

10 needed.

11 Q You mentioned a Mr. T. W. Smith?

12 A Yeah.

13 Q Who was he?

14 A He was a chemist for the Reilly Tar and Chemical

15 Company.

16 Q And he was working there with you in 1916?

17 A No. He had a special laboratory, oh, quite a

18 ways from the plant. I used to take samples over

19 to him.

20 Q That's in Indianapolis?

21 A Indianapolis, right.

22 Q Was there a Reilly Tar laboratory?

23 A I couldn't say. It wasn't Reilly Tar. It was his

24 own laboratory. It was in an industrial building.

25 Q Did the company have a laboratory then in

004833

1 {25}

2 Indianapolis?

3 A Oh, we had a small one, yes. Out at the plant.

4 Q In later years did you ever have a chance to visit

5 the laboratory in Indianapolis?

6 A No. I never -- not that one. They built a new

7 plant out southwest of Indianapolis. I was out

8 there once years ago.

9 Q Were you at the lab when you were out there?

10 A No.

11 Q Through your work for the company did you have

12 dealings with the people who did work at the lab

13 in Indianapolis?

14 A No.

15 Q Did you know who the person in charge of that

16 lab was?

17 A At where?

18 Q At Indianapolis.

19 A No.

20 Q You mentioned a well which is marked here as the

21 Deep Well?

22 A Right.

23 Q And it's your testimony that you could smell

24 water that was coming out of that well?

25 A Yeah. It was an odor to it, yes.

1 {2L}
2 Q Could you describe where the water came out
3 from?
4 A Well, a big iron pipe that I suppose -- where it
5 was sucking from the well and going into this big
6 tank, iron square tank -- oblong tank.
7 Q And where was the water coming out? It was
8 coming out of a tank, for example, or a pipe?
9 A It was coming out of the spout of the iron pipe.
10 Q Was it a joint? Welded joint on the pipe?
11 A I couldn't say that. It was just head of a pipe
12 where the water was coming out.
13 Q How did the pipe get hooked up to this tank? How
14 did the water get from the well into the tank?
15 A Well, just coming -- come right out of the end of
16 the pipe into this tank.
17 Q It's an open tank, then, and the water just --.
18 A No. They had a top on it.
19 Q But it had an open pipe and the water came out of
20 the pipe?
21 A Well, right where you look in was so high
22 {indicating}.
23 Q You could look in from the top of the tank?
24 A In the end.
25 Q The end? How big a tank was it?

004835

1 {27}

2 A Oh, about twice as big as this table, I imagine.

3 All I can remember, and about two or three feet

4 high.

5 Q And when you said it was a boggie smell, what's

6 a boggie smell to you?

7 A Well, kind of -- it's pretty hard to describe.

8 Kind of a gassy smell, odor.

9 Q What smell was there to this water?

10 A What?

11 Q What smell was there to this water, as you remember

12 it?

13 A Well, to me, I smell it once, and I wouldn't drink

14 it, I know that. I suppose other people have

15 drank it at one time, but I wouldn't. There was

16 a dipper there, to get a good cold drink. It was

17 a very deep well.

18 Q The reason you wouldn't drink it was because of

19 the smell?

20 A Well, I didn't have to drink it. That's why I

21 didn't drink it.

22 Q Your testimony was you wouldn't drink it? Was there

23 something the matter with it that would make you

24 not want to drink it?

25 A Well, I didn't have to drink it. I wasn't going to

1 (28)
2 drink it just because the smell was there. I
3 didn't consider that anything. If you wanted to
4 drink it, you could drink it, but I didn't want to
5 drink it.
6 MRS. WILLIAMS: Well, they
7 had bottle water in the office in the lab, so I
8 suppose that's the reason he didn't drink it.
9 MR. SCHWARTZBAUER: Excuse me,
10 Mrs. Williams --.
11 MRS. WILLIAMS: Excuse me, I
12 shouldn't have spoke up.
13 MR. SCHWARTZBAUER: You are not
14 supposed to contribute information.
15 MRS. WILLIAMS: Oh, I'm sorry.
16 You will have to scratch that.
17 Q {By Mr. Shakman} Was that well there when you first
18 came to the site?
19 A I don't remember. I don't know when it was there.
20 I imagine it was, yes.
21 Q And this tank was there too, as far back as you
22 recall?
23 A Well, after we got operating I suppose it was, yes.
24 Q Do you know when that well was constructed?
25 A No. I don't know anything about it.

00483

1 (29)

2 Q Do you recall that well ever being closed down?

3 A Nope. Unless repairs, would be the only thing.

4 Q What were those repairs?

5 A I don't know. I just say, if it was closed down,

6 it was maybe due to repairs, which I don't know

7 nothing about.

8 Q Do you know if they ever had to clean out the

9 well?

10 A No.

11 Q You don't know, is that your answer?

12 A No. I don't know that.

13 Q In regard to this Mr. Peterson, who was mentioned

14 in that letter, was he a personal friend of yours?

15 A No.

16 Q Did you socialize with him?

17 A No.

18 Q Did you see him often?

19 A Just a guy that worked down there.

20 MR. SHAKMAN: Can we get

21 this marked as RTC Exhibit 3?

22 {RTC Deposition Exhibit 3

23 marked for identification.}

24 Q {By Mr. Shakman} Mr. Williams, I am showing you

25 what's been marked as Exhibit 3, and purports to

1 (30)
2 be an aerial view of the Reilly Tar site and
3 vicinity. Does that appear to be that to you?
4 A Let me get my bearings here. Is this 7? This is
5 the railroad?
6 Q It would be about 1953. Yes, sir.
7 A This must be Walker coming down.
8 Yes, I would say it is, as far as I can make
9 out and I remember it.
10 Q I'm sure when you first came there weren't all those
11 structures.
12 A Oh, there was nothing in here. Only the refinery
13 and the laboratory.
14 Q Was it your testimony that in 1917, that was the year
15 you came to St. Louis Park?
16 A No. 1918. The plant was started in October, 1917
17 and I come up here in June, 1918.
18 Q Now when you first came in 1918, of the structures
19 that are shown in this left-hand, upper left-hand
20 side of the Exhibit 3, which of those were there
21 at the time, if any?
22 A When I come?
23 Q Yes.
24 A There was nothing but the refinery and the laboratory,
25 right there (indicating). 004839

1 {31}
2 Q The refinery is this rectangular building above
3 the cooling pond?
4 A This here {indicating}. Is this the stacks there?
5 Q Yes.
6 A Yeah. This is the refinery and the laboratory
7 down there.
8 MRS. WILLIAMS: Frank, move
9 that.
10 Q {By Mr. Shakman} It might be helpful to you if
11 we had the Exhibit Number 1 here also. You can
12 use these two in conjunction.
13 Was the cooling pond near the refinery
14 there at that time?
15 A There was a pond here, yeah. Right there
16 {indicating}.
17 Q And what you refer to as the office was also there?
18 A Yeah. Right.
19 Q Did you have knowledge of what had been previously
20 on the site?
21 A No. I heard there was a sugar beet factory there
22 at one time.
23 Q Did you hear where that was located? What kind of
24 structures they may have had?
25 A No. I don't know nothing about that. There was

004840

1 {32}

2 one building left, and that was when you come in
3 the gate. Maybe it's that building there. I
4 can't --.

5 Q That was left from the sugar beet company?

6 A From the sugar. They used it as a warehouse at
7 one time.

8 Q It was in usable condition, then?

9 A Yes.

10 Q Do you recall any standing water on the site
11 back in 1918?

12 A No.

13 Q On the Exhibit 3, there's what appears to be water
14 here between Highway 7 and Walker Street, between
15 south of Highway 7. Do you recall there being
16 water there in those days?

17 A Well, there were water out there in that swamp,
18 yes, I would say.

19 Q Am I correct that there was no Highway 7 there in
20 1918?

21 A No.

22 Q Was this one continuous swamp, as you described it,
23 on both sides of what's now Highway 7?

24 A I would say yes. Right. As far as I could
25 remember.

004841

1 {33}

2 Q And do you recall how far it continued off to the
3 south towards you as that photo sits now?

4 A All I know is up to the railroad tracks, that I know
5 of. This is the railroad tracks -- no.

6 Q That's the highway.

7 A This is the railroad track.

8 Q Those were there in 1918?

9 A What?

10 Q Those railroad tracks?

11 A Oh, yeah.

12 Q And the swamp extended down to the tracks?

13 A I would say yes.

14 Q Do you recall if there was drainage, a culvert or
15 anything to get water under those tracks?

16 A I don't, but there was a culvert in there from
17 our place over, that I remember.

18 Q And do you recall at that time if water from the
19 creosoting company was draining down toward
20 those swamps?

21 A Well, I imagine it went through that culvert,
22 yeah.

23 Q Which culvert would you mean there, sir?

24 A Well, where are they at? I don't even see them.
25 I don't know, whether it's coming out.

004842

SYNDICATED REPORTERS

612 SYNDICATE BUILDING

MINNEAPOLIS, MINNESOTA 55402

(612) 333-6549

1 {34}

2 Q Here's Walker Street. Was there a culvert under
3 Walker Street that you had in mind?

4 A Yes.

5 Q Would it help to refer to the Exhibit 1, which
6 might be a little easier for you to read, to show
7 how the water came from the plant site down to
8 that culvert under Walker Street?

9 A I don't know where it was. It was out there on
10 Walker somewhere. I don't -- I don't know how it
11 got out there, but I knew of -- that there were
12 a culvert out there.

13 Q Was your job mainly in the office?

14 A My job was mainly in the laboratory, yes.

15 Q And you didn't get out on the site much, then?

16 A No. When I go to work, was go and come and things
17 to do.

18 Q Do you recall that those ponds to the south of
19 Walker Street got an oily appearance sometime?

20 A Well, I imagine -- I can't say that's so, but I
21 suppose it did when the water level was up, you
22 know. Like if you got a lot of rain. Walker used
23 to flood down there.

24 Q Can you recall when they might have first begun
25 having that kind of situation in those ponds?

004843

1 {35}
2 A No. I can't recall.
3 Q You mentioned in the course of your testimony that
4 later development of the treating area. Was that
5 to the north side of the facility?
6 A That was all-- well, just kind of north and
7 northwest. All this --.
8 Q Can you pick that out on the photograph?
9 A Well, all this area in here {indicating} where the
10 laboratory is here.
11 Q Would that be here?
12 A Oh, here. They too, considered all that to give
13 them enough area in there to store ties.
14 Q Are these in the photo? Are these stored ties
15 {indicating}?
16 A I imagine these are ties, yeah, because they
17 treated for three companies.
18 Q Now when you first came, what was the land like up
19 there where we see the stored ties?
20 A Well, that was hilly and gravel, I'd say, and of
21 course they leveled it all off.
22 Q They leveled it off later on after 1918?
23 A Oh, yeah. That didn't happen until '20 -- I'd
24 say '20 to '25 it was done.
25 Q Do you know if that was owned by the company in 1918?

1 (3b)
2 A Well, they supposed to have had forty acres down
3 there, yes.
4 Q Was that forty acres total?
5 A Right. Well, they did have more ground, but they
6 donated it to St. Louis Park. There's a park up
7 above.
8 Q That was some years later?
9 A Some years later.
10 Q In this area that's to the southwest of the
11 refinery and the lab appears also to have lumber
12 stacked in the photograph. What do you recall was
13 the use of that area when you first came?
14 A Well, there was nothing.
15 Q Go back to when you first came.
16 A Just only swampy ground all around. That's why when
17 they leveled it off, they made it all incorporated
18 what they could use, and it was all filled in.
19 Q When you first came to the site, did you know of
20 any well, other than the well that you described
21 as leading to the tank?
22 A No. I didn't. That's the only one I knew was by
23 the refinery there.
24 Q There is a well indicated here on Exhibit 1 by a
25 circle. Pretty much to the south of the well you

1 {37}

2 spoke of. Do you have any knowledge about that

3 well?

4 A No. I don't.

5 Q Did you ever hear talk of the sugar beet well?

6 A Well, I imagine that was their well. I know there

7 was the sugar beet factory was there. I don't

8 know where it was in the yard, though.

9 Q Did you ever hear of any efforts by the company to

10 work on that well? Use that well?

11 A No. I never.

12 Q At that time do you know if there were any other

13 wells around the site?

14 A Not that I know of.

15 Q Was there at some point another well put in up by

16 the washroom?

17 A Not that I know of.

18 Q What was your drinking water source then at the

19 site?

20 A Well, we had bottle water, as far as I can

21 remember. Inglewood delivered.

22 Q Did that contribute -- or did that continue through

23 all the years?

24 A All the years I worked there, yes.

25 Q Do you know if that was true throughout the site,

004846

1 {38}

2 or is that only in the office they had bottled
3 water?

4 A No. I think that included where the men changed,
5 washrooms had water, as far as I know.

6 Q The letter that you looked at, Exhibit 2, a few
7 moments ago, talked about complaints about taste
8 of water. Did you hear of a number of such
9 complaints over the years?

10 A From where?

11 Q In the St. Louis Park area; around the plant;
12 around your home?

13 A Well, yeah. We drove a well in the '30s and
14 used for a couple of years, and the wife can
15 explain that to you better than I can. She's
16 the one that took the samples over and --.

17 Q Well, I'm sorry, I don't have her as the witness
18 today.

19 Can you recall how deep you took that
20 -- that well was dug?

21 A Well, ours was around 80 feet.

22 Q And were you able to use that water?

23 A Well, we used it for a year or more, then it
24 started kind of taste -- you couldn't make coffee
25 with it. You couldn't boil potatoes in it, and so

004847

1 (37)
2 she took it, two samples over and had it analyzed
3 and it come back, you could drink it, but no
4 one could.
5 Q Because of the taste of the water?
6 A Yeah.
7 Q Was this a tarry taste?
8 A Well, something similar to a boggie gas taste.
9 MRS. WILLIAMS: Medicinal.
10 THE WITNESS: Medicinal,
11 yeah.
12 Q {By Mr. Shakman} Medicinal or gassy taste. Could
13 you show us on this photograph, Exhibit 3, where
14 your house was? I think Brownlow appears there.
15 A You tell me where -- let's see. This Louisiana?
16 Well, we must be in the first block. This is
17 Lake Street. You say this is Louisiana, this is
18 Brownlow. It's the fifth house from the first
19 street northwest.
20 Q So the house you're indicating there is, in terms
21 of the large road here, about a block up and then
22 slightly to the right as you are looking at the
23 map?
24 A Which road is this supposed to be here now?
25 Q I would think that --.

004848

1 {40}

2 A Is that the new Louisiana?

3 Q Louisiana might be over here. This is 1953.

4 A Well, we are right down from --.

5 MR. FREEMAN: I don't know

6 what that is. Excuse me, that would be --.

7 THE WITNESS: We are the

8 first block from Lake Street down, and the first

9 street down from First Street Northwest.

10 Q {By Mr. Shakman} And do you know of other people

11 who had trouble with the well water at that time

12 too?

13 A Yeah. Later years my -- I had a brother living

14 back -- and his was one of the last wells to go

15 haywire, and this Jones that's mentioned in there,

16 I guess their well went haywire, in taste.

17 Q Was he the man with the company?

18 A No.

19 Q He was just a fellow who was making that complaint

20 about the water?

21 A Yeah. Right.

22 Q Who drilled that well for you? Do you recall?

23 A I don't know who drilled it.

24 Q Do you know where the water went for analysis that

25 you had done?

004849

1 {41}
2 A Our water?
3 Q Yes.
4 MRS. WILLIAMS: State House.
5 A She took it over to the State House.
6 MRS. WILLIAMS: St. Paul.
7 A St. Paul.
8 Q {By Mr. Shakman} You said that was the '30s.
9 Do you recall a year you might have had that
10 drilled?
11 A Yes.
12 Q What year would that be?
13 A In the '30s. Between '30 and '35.
14 Q What was your source of water before that, your
15 house?
16 A Well, they built a couple houses, the year later,
17 the Tommy {ph.} built, and they drove a well there
18 and we used that. And then when we couldn't use
19 that one, used water from my brother in back.
20 Q And did your neighbor's well go bad too? The one
21 you first used?
22 A The second door, yes. I guess so. I don't --.
23 MRS. WILLIAMS: I think so.
24 A I just can't remember now. It's different times.
25 Q {By Mr. Shakman} Do you recall any inspection of

1 {42}

2 the plant being done by the State Department of

3 Health back in the '30s?

4 A I don't. No. And I don't remember.

5 Q Are there other employees who worked there, who

6 still live in your neighborhood?

7 A Yes. There's one, yes.

8 Q What is the name of that person?

9 A A fellow by the name of Sandberg. He worked --he

10 has the office --.

11 MRS. WILLIAMS: He didn't

12 live in our neighborhood.

13 A No. Not exact right in our neighborhood. St.

14 Louis Park.

15 Q {By Mr. Shakman} Do you know his first name?

16 A William G. Sandberg.

17 Q And what was his job as head of the office? What

18 was his responsibility?

19 A Well, just in charge of the office out there.

20 Q By "the office" do you mean that he managed the

21 plant?

22 A No. No. Just office --.

23 Q Could you explain?

24 A He was office manager, I might say.

25 Q He was office manager, and would you recall his age

1 {43}
2 relative to yours?
3 A Well, he's older than I am, so he must be in his
4 '80s.
5 Q Are there other people who worked in the plant who
6 you still know their whereabouts?
7 A No. I don't.
8 Q Do you know if people work for the plant who claim
9 they became ill due to conditions they were
10 exposed to on the job?
11 A Not that I know of.
12 Q And did you ever know a John Ohde?
13 A Oh, yeah.
14 Q And when did he work at that company?
15 A Well, he was working down there at the time, I
16 imagine up to about '60 anyway. I can't just
17 remember when he left.
18 Q Do you recall where he worked?
19 A He worked in the refinery.
20 Q Are you aware of any illnesses he had?
21 A No.
22 Q Did you have a union there?
23 A Yes, they did.
24 Q And do you know what that union was? The name of
25 the union?

004852

1 (44)
2 A I guess it was CIO. I don't recall, because I
3 didn't belong to any union.
4 Q Do you recall when the union came in?
5 A It was in the '30s.
6 Q And who joined the union? Can you describe it in
7 terms of the different jobs people did? Did it
8 tend to be people doing certain kinds of work?
9 A Well, all of the -- that was employed down there,
10 as far as I know, except the office.
11 Q And do you know if they kept that same union all
12 through the years?
13 A As far as I know, yes.
14 Q Do you remember the name of the union representative
15 at the plant at any time?
16 A No. I don't. It changed through the years,
17 different ones.
18 Q Do you know if the union ever had a concern about
19 the water that the employees were drinking?
20 A No. I don't.
21 Q You never heard anyone talk about that?
22 A Huh-ah.
23 Q And who was the manager of the plant when you came
24 there?
25 A A. E. Larkin.

004853

1 {45}
2 Q That's L-a-r-k-i-n?
3 A Right.
4 Q How long did he stay as manager?
5 A Let's see. Well, he passed away, and I just can't
6 recall the exact date.
7 MRS. WILLIAMS: Well, he was
8 there in his 50s.
9 A I just don't remember now.
10 Q {By Mr. Shakman} Was it some years that it was
11 the man who was in charge?
12 A Oh, yeah. I met him when he first come down from
13 Indianapolis, they had me transferred up here,
14 that was 1918 until, I would say, in the 40s or
15 50s.
16 Q Who was the next manager?
17 A Holstrom. Harry Holstrom.
18 Q H-o-l-s-t-r-o-m?
19 A Right. Then there was a McLellan too before
20 Holstrom, or around that time.
21 Q Could you spell that name?
22 A Which one?
23 Q McLaughlin.
24 A McLellan. M-c-l-a-l-l-a-n.
25 Q Oh. Thank you.

004854

1 (46)

2 MR. SCHWARTZBAUER: That's on
3 the letter.

4 MR. SHAKMAN: Oh, thank you.

5 Q {By Mr. Shakman} He was before Holstrom?

6 A Right.

7 Q Then who came before Holstrom?

8 A Finch. Herbert Finch.

9 Q And was there any after Mr. Finch?

10 A I don't know. I retired when he was still down
11 there.

12 Q And are any of these men living now?

13 A Finch is, yes.

14 Q Do you know anything about Holstrom? Is he passed
15 --.

16 A He passed away.

17 Q Do you know where Finch works now?

18 A He works for some lumber company.

19 Q Were there regular visits from Indianapolis, from
20 the management there?

21 A Yes.

22 Q Do you know what decisions were made at Indianapolis
23 and which ones were made by the plant managers?
24 How they broke down authority?

25 A No. I don't remember. That was at the main office.

004855

SYNDICATED REPORTERS

612 SYNDICATE BUILDING

MINNEAPOLIS, MINNESOTA 55402

[612] 333-6549

1 (47)

2 Q What was your work in the lab when you first came

3 there? What kind of things were you doing day in

4 and day out?

5 A Well, gradually picked up after they started

6 operating. I analyzed materials come in and went

7 out.

8 Q And that started right from when you first came

9 there, you were doing that kind of work?

10 A Well, practically, yes.

11 Q Were you the only lab person there when you came

12 on?

13 A Well, no. There were other people in the

14 laboratory. They had two laboratories. One

15 downstairs and one upstairs. The one I worked

16 in was downstairs.

17 Q Who was the person working upstairs?

18 A Well, first back in the '20s they had a fellow by

19 the name of Moffat. Fred.

20 Q Is he still living?

21 A No. He's passed away years ago.

22 Q And so when you first came on there were two lab

23 people, you and Mr. Moffat?

24 A Well, he was upstairs. They had a lot of chemists

25 that worked out there at one time, and the whole

004856

SYNDICATED REPORTERS

612 SYNDICATE BUILDING

MINNEAPOLIS, MINNESOTA 55402

(612) 333-6549

1 {48}

2 thing was laboratory. Then later years they made

3 it into the office when things changed, and they

4 wasn't employed any more. A lot of them went to

5 Indianapolis, as I remember.

6 Q So in those first years, 1918 approximately, this

7 whole building was a lab?

8 A Right.

9 Q And how many people would you say were working in

10 it, in that building?

11 A Well, they had the office for the refinery down

12 there -- I would say maybe ten people or so.

13 Q And of those, how many were doing lab work, or

14 chemical work?

15 A Well, just me, and I was doing the routine lab

16 work, and this Moffat, he was there when I -- in

17 the early '20s.

18 Q And what were the kinds of things that you were

19 analyzing in your routine lab work?

20 A Well, I analyzed mostly material coming in, in

21 the refinery, and refined stuff going out.

22 Creosote oil.

23 Q Why was the company interested in the material

24 coming in? What did you check for?

25 A Well, there was a lot of routine tests being made

004857

1 {49}

2 on it, and so forth.

3 Q Could you explain what those tests were?

4 A Well, it's hard to explain. Just an ordinary

5 analysis of the material, the material that we

6 used.

7 Q For example? Were you interested in boiling points?

8 Specific gravity?

9 A Yeah. That's mostly it. Specific gravity and,

10 like you say, boiling points and so forth.

11 Q What were these tests that you did? How did you do

12 it? Can you describe what your set-up was and

13 what you ran it through?

14 A Well, we had retorts and we had thermometers and so

15 forth, and gravity jars, to check the specific

16 gravities of them, and so forth.

17 Q What is a retort?

18 A It's a glass thing that you hook a thermometer to

19 it and weigh your material and distill it off,

20 and the same -- that's about all I can say about

21 it.

22 Q Do you heat your material in it?

23 A You heat it in the oven, yes.

24 Q And what do you watch as you heat it?

25 A What?

004858

1 {50}

2 Q What do you watch for as you heat it?

3 A Well, any water that comes off first, and

4 distillation at different temperatures, steady

5 rate.

6 Q What was the first thing that will usually come

7 off when you heat it up?

8 A Water. Moisture.

9 Q Was that pretty much true of any coal tar? It

10 all had some --.

11 A Oh, all coal tar had moisture in it.

12 Q Do you know what percentage in a typical coal tar

13 would be the water? How much water you would get?

14 A You're talking on a retort, and a small retort or

15 something else?

16 Q Well, I am asking you what you had there in the

17 lab. That is a small one?

18 A Oh, small glass retort. Made out of glass.

19 Q And what water would you get off, would you say,

20 percentage?

21 A Well, I would say a couple -- all the way from a

22 percent, tenth of a percent or so.

23 Q Up to a tenth of a percent? I didn't understand.

24 A From a tenth to a percent.

25 Q Tenth to a percent, thank you.

004859

1 (51)

2 Q Did you know, in the refining process, what

3 percent came off as water from the coal tar?

4 A No. I don't quite understand what you mean by

5 that.

6 Q When the coal tar was refined in the refinery,

7 was there water coming off there just as in

8 the lab?

9 A Oh, yeah. Yeah. Right.

10 Q And do you know what percentage came off this water?

11 A No. I don't.

12 Q Do you know if the company would have kept track

13 of that kind of information?

14 A I don't know. I couldn't answer that.

15 Q In your lab with the retort, what did you look for

16 after the water came off? What was next?

17 A Well, we just run an ordinary distillation of it.

18 How much water was in it, and then light oils and

19 heavy oils, and sometime we run it down to coke.

20 Q How many different fractions were there coming

21 off, all together?

22 A Well, I would say about three, light fractions,

23 heavier fractions and finally a coke at the end.

24 Q And then did you have to fill out a report each

25 time you did this test?

004860

1 {52}
2 A Yeah. We made a sheet, analysis, that had -- would
3 describe the test.
4 Q And did you keep those on file there?
5 A Well, yeah. We made a report, yes. It was, I
6 suppose, filed somewhere.
7 Q Who was your superior who you reported to back in
8 those early days?
9 A Well, gee, I just -- that's something I really
10 can't say. You just done it and that's all,
11 and it was no -- any one person.
12 Q I appreciate that is a long time back.
13 A Yeah. I can't --.
14 Q Did you have to file your reports with them? Were
15 they interested in these daily -- these tests
16 that you did?
17 A Yeah. Yeah. We made regular reports on it. I
18 just can't pinpoint everything.
19 Q Were there times then on the basis of your report
20 they would have to reject the tar that had
21 arrived?
22 A No. No. I can't say that. That's taking everything
23 we could get.
24 Q Who were the suppliers of the tar back in those
25 days?

004861

1 {53}
2 A Well, there was Coppers' company over in St.
3 Paul.
4 Q Over in St. Paul?
5 A In St. Paul. That was a big one, and then we had
6 tar coming in from all over. Even from
7 Minnesota. Different -- Mankato, Stillwater,
8 and so forth. Then we had tar from Duluth, from
9 steel mills up there. That's where we got our
10 crude material. The steel plants.
11 Q That was from Duluth. What was down in Mankato?
12 What did they have there?
13 A Well, they had a little bit different type of tar.
14 It was heavier than the ordinary type of tar.
15 Q And beside the testing the tar that came in,
16 was there any other product coming in that you
17 had to test for the company?
18 A No.
19 Q Any kind of acids?
20 A No. I never had anything to do with -- anything
21 like that.
22 Q Do you know what other products they did bring
23 in to use in their processes?
24 A For me to do?
25 Q No. Just what the company was using. Whether they

004862

1 {54}

2 purchased -- you know, what other raw materials
3 in terms of chemicals they might have purchased?

4 A Well, they did -- we got several materials, type
5 of materials into the treating plant, I know.
6 They got -- first they used zinc chloride for
7 tie treating, and then later they used a mixture
8 of petroleum and creosote oil. What they called
9 a 50/50 mix.

10 Q Was that after the War they started using
11 petroleum?

12 A Somewhere, maybe before.

13 Q And the zinc chloride, do you know when they used
14 that?

15 A Well, they were using that back in the '20s, I
16 think, when I first come up here.

17 Q In your lab work there, back in the '20s, you said
18 you tested some of the finished products too.
19 What tests did you run on those?

20 A Well, they used to have a regular distillation
21 points that you had to run, see if it come
22 within specifications in different points, and
23 like that.

24 Q And those were these different kinds of oils?

25 A Well, different -- regular creosote oil we shipped

1 {55}

2 out, yes.

3 Q Were there other oils you produced?

4 A No. Not that I know of.

5 Q How about pitch? Did you produce pitch?

6 A Well, later years we got into high melting point
7 pitches, used by the aluminum industry. That
8 saved us from making coke. Coke you couldn't get
9 rid of, so --.

10 Q When did that pitch -- when did they start making
11 that pitch?

12 A Well, I started analyzing tar in about '53.

13 Q And when did they quit making coke?

14 A That was sometime in the '40s, I guess. '50s.

15 Q Do you know who the customers were for the coke
16 back when they made coke?

17 A Well, they used to get rid of a lot of it through
18 regular use for people purchasing it, and then
19 later they got rid of it through the carborundum
20 companies in the East.

21 Q Did they have material analyzed other than at your
22 lab? Did they send materials elsewhere for
23 analysis?

24 A Well, I -- yeah. I would say yes. Down in
25 Indianapolis, maybe, or something like that.

004864

1 (56)
2 Q That was a company lab in Indianapolis?
3 A Yes.
4 Q And do you know who the person there was who was
5 doing analysis for them?
6 A No, I don't. The only one I remember is T. W.
7 Smith, that was back in the '20s when I come up
8 here.
9 Q Did anything get sent to outside labs that weren't
10 part of the company?
11 A I couldn't answer that. I don't know.
12 Q You recognize the material water gas tar?
13 A Yes, I do.
14 Q And you recognize the material vertical retort
15 tar?
16 A Yes, I do.
17 Q And coke oven tar?
18 A That's what we used mostly.
19 Q Can you explain what these different types are,
20 these sources? Let's start with water gas tar.
21 Where would water gas tar come from?
22 A Well, there is a plant that used to be in Des Moines,
23 Iowa, where they used to get water gas tar from.
24 Q Do you know what kind of plant that was?
25 A No. I don't.

004865

1 {57}
2 Q And how was water gas tar in its physical or
3 chemical properties different?
4 A Well, it was a lighter tar. The fractions would
5 be lighter when you checked them.
6 Q Did it have some of the fractions already tripped
7 off?
8 A No. Come in crude, when we refined it.
9 Q Let me ask you about the vertical retort tar.
10 Where does that come from?
11 A I think there were plants in like Fargo, Grand
12 Forks and -- might have been several others. I
13 just can't recall now where they all come from.
14 Q And do you know what kind of plants tended to
15 produce that?
16 A No. I would guess -- they were mostly all gas
17 plants that were producing these different tars.
18 Gas plant, I guess.
19 Q What was that tar like? How was it different in
20 its physical or chemical properties?
21 A Well, the specific gravities were lighter.
22 Q And I want to ask about the coke oven tar. You
23 said that was the most common one?
24 A Yeah. That -- the fractions were heavier when we
25 checked them.

004866

1 {58}

2 Q Is that what you get from Duluth?

3 A Duluth and the steel mills, yeah.

4 Q And how about coal tar? Is that a separate type

5 from what we have just talked about?

6 A No. They are all -- coal tar either comes from

7 steel mills or gas house. Like St. Paul, Coppers,

8 produced that type of tar.

9 Q And what were its properties?

10 A The specific gravity of it was heavier and otherwise

11 fractions would be heavier.

12 Q And was there, back in these earlier days, preferred

13 kind of tar that the company wanted for its

14 refining?

15 A Yeah.

16 Q What was that?

17 A Well, the regular type of tar that you got from gas

18 houses or -- run low, why then we had to get it

19 from the steel mills.

20 Q Over the years did the kinds of tar coming in change

21 in proportion? Did you tend to get more -- one

22 kind of tar later on?

23 A Well, I would say yes.

24 Q What kind?

25 A Well, the same types of tars that we could use.

1 (59)
2 Q Was it the coke tar that was --.
3 A Coke oven tar, yes. Gas tar. Gas house tar.
4 Q Which one in the later years was more common?
5 A Coke oven tar. Until that played out, and then,
6 like I say, we had to get our crude material from
7 steel mills.
8 Q How often were you in the lab testing tars?
9 A What do you mean, how often?
10 Q How often did you have a shipment come in?
11 A Well, we got tar all the time. Whenever it had
12 to be analyzed, we analyzed it. Maybe once a
13 month, or something like that.
14 Q So you might have only had to do once a month
15 analysis on tar?
16 A Right.
17 Q And then how often were you testing the product
18 that was produced?
19 A Well, every day, shipments that went out.
20 Q So every day's runs would be tested then?
21 A Not every day runs. We, I suppose, accumulate
22 them out, a certain amount, and when we loaded
23 tank cars, so something like that, why we -- when
24 we loaded a tank car, why then it would be a
25 sample taken and it would have to be analyzed.

1 {60}

2 Q What was the rest of your work day? What filled up

3 the rest of your time besides testing the products

4 and the raw material?

5 A Well, changed down through the years, you know,

6 like everything else. It was different materials.

7 Like when -- in the '50s we got into the pitch

8 business, making high melting point pitch for the

9 aluminum industry, and then that had to be

10 analyzed. That took practically a full day.

11 Q Did you have other responsibilities, apart from

12 testing materials?

13 A What is your question?

14 Q Did you have other responsibilities besides testing

15 materials?

16 A No.

17 Q Did you have any occasion to test water at any

18 time?

19 A No. I never. That was done in the other lab.

20 Q That was the lab that you mentioned Mr. Moffat

21 worked in?

22 A Well, he wasn't there then. No. That was years

23 later. That was several different people working

24 there.

25 Q And what were their names?

004869

1 {L1}
2 A Well, it was a fellow by the name of Manual {ph.}.
3 Doug Manual, and later after him was Rademacher,
4 and then after him was Danz. Harry Danz.

5 Q D-a-n-c-e?

6 A D-a-n-z. Danz.

7 Q Do you know if any of those men are still alive?

8 A I don't know.

9 MR. SHAKMAN: It's getting
10 awfully warm. Should we take a break for a few
11 minutes?

12 {Brief break taken.}

13 Q {By Mr. Shakman} Do you still have that well at
14 your home?

15 A No. We took the pump off and sold that years ago.
16 In the early '40s, I guess.

17 Q Was it closed off in some way?

18 A Yes.

19 MRS. WILLIAMS: Yeah, it's
20 capped. Excuse me.

21 Q {By Mr. Shakman} When did they do that? When did
22 you have it capped?

23 A Well, I would say before 1940, sometime between
24 the '30s and '40, and we couldn't use it. Then
25 we got water in the street, through WPA, put water

0048

1 {b2}

2 in the houses.

3 Q You mentioned those two other wells. One was your
4 brother's, was it?

5 A Yeah. In the back. He lived directly in back of
6 me on Louisiana.

7 Q And when did you quit using that one? When did
8 they quit using that one, I should say.

9 A Well, let's see. Well, it was sometime in the
10 '30s, after we got the water in. Then I think they
11 put that in, like I say, under WPA. So that must
12 of been the '30s, I think.

13 Q Well, so they kept using that well after you quit
14 using yours?

15 A Well, no. We used that water until up to we got
16 water.

17 Q But do you know what happened with their well?
18 Did they keep using it?

19 A I can't remember, because he -- left here in the
20 '20s. He went back to Indianapolis, and there is
21 a lot of people lived in there.

22 Q Then did you mention one other neighbor who had a
23 well?

24 A Well, it was the second house, yeah, from us.

25 Q That's going down the street from you?

004871

1 {63}

2 A No. That was on -- I would say south. Southeast

3 of us. Towards Lake Street.

4 Q And when did they stop using their well?

5 A Well, I imagine it was around the time after we

6 got the water in that it wasn't usable, and then

7 that's why we got the water in the street.

8 Q That's why you got the city water?

9 A City water, yeah. Right.

10 Q Do you know if the taste -- let me strike that.

11 Do you know if the smell of the water in

12 those wells was that like the smell of that one

13 down by the refinery?

14 A The deep well? Similar, yes.

15 Q And you mentioned when your wife took the sample

16 over to the State Capitol, or State Health

17 Department. How long was that after you noticed

18 the change in the taste of the water?

19 A Well, that's why we took it over, because it

20 started tasting and we couldn't use it. So we

21 thought maybe we would take it over and have it

22 analyzed and see if it was -- if we could use it,

23 and he said you could use it, but -- you could

24 drink it, but no one could.

25 Q And was that about, oh, a year and a half or so

004872

1 {64}

2 you had had the well all together, before you got
3 this problem?

4 A I would say about a year after we got the well.

5 Q Up at the plant you mentioned you had bottled the
6 water for drinking. What water did they have in
7 the toilets, or showers, if they had showers?

8 A Well, they used that water. I guess they pumped
9 out of the well there, the deep well, as far as I
10 know. Only water they used. It was usable.
11 You could -- as far as I know, they must of used
12 that.

13 Q You don't know the source? You just know that they
14 had water in the toilets?

15 A Yeah. I imagine it was from that well.

16 Q Do you know if people drank that water that was
17 in the washrooms? I assume at the wash basin.

18 A I don't know. I couldn't say to that, no. They
19 had -- like I say, they must of drank the bottled
20 water.

21 Q Were there a number of people there who had, what
22 you would call, a pretty dirty job? They would
23 get working in with oil, and the like?

24 A Well, yes. I would say. Some of them was not too
25 clean a jobs.

004873

1 {L5}
2 Q They would bring clean clothes, and they would
3 change clothes at the end of the day and leave
4 their work clothes?
5 A Yeah. Their lockers and rooms where they had --
6 change rooms, they call it.
7 Q And you didn't have that situation because you
8 were basically in the laboratory and in the office?
9 A Yeah. Right.
10 Q Did they have showers for the workers too there at
11 the lockers?
12 A Outside in the plant?
13 Q Well, anywhere there for cleaning up.
14 A Yeah. They had showers. They had two different
15 rooms, change rooms, and showers.
16 Q Do you remember any fires or explosions during
17 your course of working at the company?
18 A Yeah. A few of them, yes.
19 Q Where were they?
20 A In the refinery.
21 Q Can you recall the -- say the biggest one of these,
22 what that might have been? What it was like?
23 A Well, yeah. One in particular was in the refinery
24 there. They had a boiler room next to the
25 refinery here. Up at the top there. Then there

004874

1 {LL}

2 were stills all down through there. There was four

3 stills to a battery, what they call it, and they

4 was running some naphthalene or something, and

5 something happened. I just happened to go through

6 there, and that's when I was crossing the fields

7 there, and took a shortcut home and I just got up

8 to the top and something went bang.

9 I turned around and looked, and so I hightailed

10 it home and told my brother, he lived in back at

11 that time, and that was kind of a bad one.

12 Q What was it like? Was it like an explosion and

13 fire?

14 A Yeah. Fire.

15 Q Did you hear what it was? Was it the stills caught

16 on fire?

17 A Well, they must have. I guess as far as I know,

18 yes.

19 Q I don't know about naphthalene. Is that a flammable

20 substance.

21 A Yeah. That's inflammable. One of the lighter

22 fractions of the oils.

23 Q Do you recall when that took place, roughly?

24 A In the '30s sometime, or, no. I will correct that.

25 That was in the '20s.

004875

1 {b7}

2 Q And that put those stills out? They had to rebuild

3 those?

4 A I don't know what happened to that, if they had to

5 rebuild them, or just repair them, and -- I

6 couldn't say to that.

7 Q Do you recall if the Fire Department came for that?

8 A Yes.

9 Q And when you came back after that explosion had

10 taken place, what was the site like? What did you

11 see there?

12 A Well, they had it pret-near out by that time, by

13 the time I got back down there, and --.

14 Q Was that the same day?

15 A Yeah. That happened at noon, and by 2 or 3:00,

16 why everything was back to normal. Of course it

17 wasn't operating.

18 Q Do you know if quite a bit of material got spilled

19 out at the time?

20 A No. No material spilled out. No.

21 Q Did it burn for some time?

22 A Well, hour or so or two, I guess. That's all I

23 can remember now.

24 Q Do you remember other incidents like that in the

25 refinery? Other fires, or other explosions?

004876

1 {b3}
2 A Well, they used to have a few at night, when they
3 finished up in the morning. So long a time after
4 they had coked, then the coke would heave and
5 blow the manhole covers off. But then there was
6 no oil then. It was just gas burning.
7 Q These would be in the same refinery?
8 A In the refinery.
9 Q Do you recall any fires anywhere else on the
10 property?
11 A No.
12 Q Ever recall seeing any material floating on the
13 ponds catch on fire?
14 A I have, yeah. One time there was black smoke
15 going up, and what it was, was something burning
16 out there in the swamp.
17 Q Did you go down and see it?
18 A No.
19 Q You just saw the smoke?
20 A I didn't go. I guess I was working at the time.
21 That's why I didn't go.
22 Q Did you hear about it, what had caused it, or
23 what started the fire?
24 A No. No idea.
25 Q Were you aware of leaks that lost product?

004877

1 {L7}

2 A No.

3 Q On those ponds down south of Walker Street, was

4 there enough water in there that someone could go

5 swimming in it?

6 A No. Not that I know of. I never seen it.

7 Q You never saw anybody? You never saw anything like

8 that?

9 A Never saw anything like that.

10 Q Did they dry up at any time?

11 A Well, down through the years, I imagine they did,

12 because like I say, if you had a wet year there

13 was water came up. The water level, around the

14 laboratory one time, was a little over a couple

15 feet. You could strike water.

16 Q That's ground water you're speaking of? Just down

17 a couple feet?

18 A Ground water.

19 Q I wanted to ask you where the tar was brought in

20 and how it was stored. Perhaps this Exhibit 1

21 would help you show us where you brought tar in.

22 A Well, here is the track coming in, with the tank

23 shed.

24 Q Tar shed? 004878

25 A Well, they call it tank shed. That was a sistern

1 {70}

2 where the tar was stored. They would run it from
3 the tank into this sistern there {indicating}.

4 Q Can we see that on the photograph there, Exhibit 3?

5 A Must be right in here, whether you see it there
6 or not, but these are tanks -- this is the
7 refinery here.

8 Q You are pointing to that rectangle that is kind of
9 a lighter color than the surroundings?

10 A Yeah. This must be the tank shed {indicating}.

11 Q I have a better photo here, let me ask the reporter
12 to mark it. Maybe that will be easier for you to
13 identify.

14 Can we have that marked as Exhibit 4?

15 {RTC Deposition Exhibit 4
16 marked for identification.}

17 Q {By Mr. Shakman} Mr. Williams, I am showing you
18 what's marked as RTC Deposition Exhibit 4. Do you
19 recognize that as another view of the plant site?

20 A Let's see. I can't --.

21 Q I think it's taken at something of an angle so the
22 buildings are a little more visible.

23 MRS. WILLIAMS: What's this.
24 Frank? What's this?

25 A I don't know. I can't --.

004879

1 {71}
2 Q {By Mr. Shakman} I think you have --.
3 A Let's see.
4 Q -- the road here, railroad track.
5 A Yeah.
6 Q There is the pond.
7 A That could be that tank shed there.
8 Q That's that one that you're pointing to is
9 marked with a number 25?
10 A Yeah. I guess that's right.
11 Q And the shed is what the train car came into?
12 A Well, they just spot the cars in there, yeah, in
13 the tank shed. Have about three or four.
14 Q How do they get the tar out of the car? How is
15 it transferred?
16 A Well, dropped by gravity.
17 Q So it just went in directly from that shed? There
18 was something that was open?
19 A Well, they had a regular place, it went into the
20 sistern, yeah. Just went under the track, and
21 under the side of the shed and into the sistern.
22 Was situated right along by it.
23 Q And do you recall -- let me divide that question
24 -- back early on what that sistern was made out
25 off. Did it have a bottom of some kind?

004880

1 {72}

2 A I don't know if they had that made when I first

3 come up there. I don't know what it consist of.

4 It had a top on it.

5 Q Do you recall them ever rebuilding it?

6 A No. I don't. I don't recall.

7 Q In your work you didn't have much occasion to go

8 down in that area?

9 A No. I didn't go in the yard much.

10 Q How did they get the tar from that sistern over

11 to the refinery?

12 A Well, I imagine they had lines and they pumped it.

13 It had pumps and the end refinery in it.

14 Q Do you know if this Exhibit 1 shows some of those

15 lines? Can you tell if they're -- .

16 A Well, they're all underground. I don't know. I

17 couldn't --.

18 Q I was talking about this Exhibit 1. The drawing

19 seems to have some dotted lines. I wonder if you

20 knew what those were.

21 A No. I don't.

22 Q You mentioned they were underground. Was that true

23 during all the years you were at the plant?

24 A Yeah. They had trenches, carry the pipes.

25 Q You could walk over and look in the trench and see

004881

1 {73}

2 the pipe?

3 A Well, they had planks -- concrete trench, then

4 planks over them, as far as I remember, yes.

5 Q Did it have a problem with freezing over those

6 pipes? Would they get snow and ice around them?

7 A Well, they had steam lines run through there too,

8 you know. That's how they kept them from freezing.

9 Q How would that look, if you looked in one of

10 those? Could you describe what you see with the

11 pipe and the steam line?

12 A Well, different size pipes, as far as I could say.

13 Q And would they keep the steam going in those all

14 the time in the winter?

15 A I imagine they did. I don't know nothing about

16 that operation. Whatever took place, or what.

17 Q Do you recall any breaks in those lines, problems

18 with that?

19 A No. Not that I can remember.

20 Q Mr. Williams, would it be convenient with you,

21 since it's approaching 5:00, if we adjourned for

22 today and arrange through Mr. Schwartzbauer for

23 some time later on to come back? I had some more

24 questions about this process, and I believe the

25 attorney for the City did.

004882

1 {74}

2 A It would be good to terminate up tonight.

3 Q I'm afraid it would take us quite a bit of time.

4 Will you be remaining in the area over the next
5 month or so?

6 A Oh, yeah. Well, I was figuring on maybe taking a
7 trip later on, in the last of January -- or
8 September, so --.

9 MR. SHAKMAN: Well, if
10 it's agreeable with Mr. Schwartzbauer, could we
11 continue this to some later date and we will
12 arrange the time convenient mutually to Mr.
13 Williams and counsel?

14 MR. SCHWARTZBAUER: Well, I
15 think we ought to talk about that, Steve. I'm
16 not sure what you have in mind.

17 I have been thinking, though, as you
18 have been questioning him, that there are probably
19 a lot of other people who can give you the
20 information that you need as to plant operations,
21 and maybe who know a lot more about it than Mr.
22 Williams.

23 Can you give us any idea as to why we
24 need to resume at all?

25 MR. FREEMAN: Well, Mr.

004883

1 {75}

2 Schwartzbauer, I would like to have an opportunity
3 to ask Mr. Williams. He's a valuable resource as
4 a person who has been with that plant for so many
5 years, and he's added a lot of information to us
6 already, and I personally would have a good
7 forty-five minutes of general background questions
8 and things that I would like to ask Mr. Williams,
9 and I guess I would concur with Mr. Shaskan.
10 It's getting a little late and Mr. Williams has
11 been under the hot lights for a couple of hours.
12 If we could continue for a time convenient to all
13 concerned, I'm certain that that would be our
14 preference as well.

15 MR. SCHWARTZBAUER: Well, I don't
16 have any objection to adjournment now, certainly,
17 and if you all feel that you have a good reason
18 for resuming, why of course we will. I simply
19 want to recommend to you the suggestion that
20 there probably are a lot of other persons who know
21 the plant operations as well, or better, than
22 perhaps Mr. Williams, and if we could possibly save
23 him the inconvenience, why I would hope we could.
24 But we will let it go at that. All right.

25 MRS. WILLIAMS: May I say

004884

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

{7b}

somethingf

MR. SHAKMAN:

We don't need

to record this.

{Discussion off the record.}

{Break taken at 4:50 until a
time to be agreed upon between counsel.}

004885

1 {77}


2 STATE OF MINNESOTA }
3 COUNTY OF SCOTT } ss.
4 }

5 I, William L. Belkengren, a Notary Public in and
6 for the County of Scott, State of Minnesota, do
7 hereby certify that the foregoing deposition of
8 J. FRANK WILLIAMS was taken by the Defendant, before
9 me at 2500 First National Bank Building, Minneapolis,
10 Minnesota, on Wednesday, August 27, 1980, commencing
11 at 2:30 o'clock p.m.

12 I certify that said witness was duly sworn; that
13 said deposition was taken in Stenograph and afterwards
14 transcribed into typewriting under my direction; and
15 that the foregoing is a true and correct transcript
16 of said testimony.

17 I further certify that I am not related to any
18 of the parties or counsel before-named, and that I am
19 not interested in this matter directly or indirectly.

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 and seal this 12 day of September, 1980.

22 
23 WILLIAM L. BELKENGREN
24 Notary Public, Scott County, Mn.
25 My Commission Expires 9-25-83.